

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., *et al.*

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN.

HALEY BARBOUR, as Governor of the State of Mississippi, *et al.*

DEFENDANTS

DECLARATION OF STEPHEN DIXON

Stephen Dixon, an attorney of record in this civil action, makes this declaration under penalty of perjury and pursuant to 28 U.S.C. § 1746

1. I am a member of the Bar of Louisiana, and admitted to practice in this Court *pro hac vice*. I am Of Counsel for the Plaintiff Class in this case along with local counsel. I give this Declaration in support of Plaintiffs' Memorandum In Support Of Plaintiffs' Motion For Award Of Class Counsel's Fees And Expenses.

2. As demonstrated by my resume, submitted as Attachment A to this Declaration and incorporated in this Declaration, I graduated in the top 10% of my class from the Louisiana State University, Paul M. Herbert Law Center in 1987. From 1991 to 2009, I represented hundreds of abused, neglected, and troubled youth as a Section Chief at Juvenile Court in the Office of the Public Defender in Baton Rouge, Louisiana. In 2003, I co-founded the Juvenile Law Clinic at the Louisiana State University Law Center, which I ran until 2009. In 2009, I became a Senior Staff Attorney at Children's Rights, and helped bring federal class actions on behalf of foster children whose constitutional rights were violated by their state's child welfare system. In 2013, I became a Field Representative with the ACLU of Louisiana with a focus on

civil liberties litigation. From 2014-present, I have been in private practice in Baton Rouge, Louisiana and in 2015, I became Of Counsel to A Better Childhood.

3. I have represented hundreds of children in both child welfare and delinquency proceedings. I have been lead counsel on several Louisiana Supreme Court cases, including:

- *In re C.B.*, a landmark Louisiana Supreme Court case on the right to treatment for youth in custody and the right to trial by jury for youth at risk of being ordered to perform hard labor.
- *State of Louisiana in the Interest of L.B.*, a Louisiana Supreme Court case that established a new category of abuse and neglect to protect seriously abused infants.

4. In addition to my litigation activities in child welfare cases, I have worked for legislative changes within the child welfare and juvenile justice systems. I have been a member of the Louisiana Law Institute's Children's Code Committee, and chaired the sub-committee on juvenile confessions. In conjunction with these efforts, I wrote "The Worst of Both Worlds: Punishments and Procedures for Children in Louisiana," 30 Southern Law Review 329 (2003).

5. I have extensive experience providing trainings about the juvenile justice and child welfare system. Since 1993, I have trained volunteers for the Court Appointed Special Advocate program (CASA). I also chaired the Criminal Litigation Seminar for the Louisiana Public Defenders Association.

6. I have received numerous professional awards, including National Association of Counsel for Children Outstanding Legal Advocacy Award and the Louisiana State Bar Association's Career Public Interest Award.


7. I began working with A Better Childhood on the *Olivia Y.* case in 2015. Following the filing of the Renewed Motion For Contempt, For An Evidentiary Hearing, And For The

Appointment Of A Receiver, I spent extensive time travelling to southern Mississippi to locate lay witnesses, interview them and prepare them for deposition. I analyzed the Monitor's report, and discussed with co-counsel what potential witnesses would offer relevant testimony at a hearing on the Motion for Contempt. I met with numerous witnesses in person and prepared contact memoranda after each meeting for my co-counsels. I then educated several witnesses on the deposition process, and determined their availability for being deposed. It was my practice to keep detailed, contemporaneous time logs of each activity. I made efforts to minimize travel time, and to undertake only those activities that were necessary to properly represent the Plaintiff Class.

8. The hourly rate I am requesting in this matter is comparable to the hourly rate approved for me for comparable legal work performed in *D.G. v. Yarborough*, No. 08 Civ. 074 (N.D. Okla March 31, 2013). In that case, pursuant to 42 U.S.C. § 1988, I was awarded counsel fees based on an hourly rate of \$250.00 per hour for legal work performed for the foster children in Oklahoma. My rates are fair and reasonable.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of March 2016 in Baton Rouge, Louisiana.



Stephen Dixon

ATTACHMENT A

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STEPHEN A. DIXON

Public Interest Lawyer

- Work as an Attorney with America's leading child advocacy organizations
- Recipient of the National Association of Counsel for Children Outstanding Legal Advocacy Award (national award)
- Has demonstrated a long-term commitment to public service and leadership within a fast-paced advocacy office environment (as Section Chief)
- Experienced in outreach for civil rights campaigns, including organizing plaintiffs and other stakeholders
- Has worked in a private law firm, a public defender office, a law school, and national and state public interest legal advocacy organizations; all positions afforded an opportunity to promote and protect civil liberties

PROFESSIONAL EXPERIENCE

2015 – present Of counsel, A Better Childhood, New York

- Case investigation (post-judgment in Mississippi)
- Federal civil rights cases focused on children, healthy childhood development, foster care

2009 – present Of counsel/previously Senior Staff Attorney, Children's Rights, New York, New York

- Work on a team seeking systemic reform of broken state child protection systems through policy and legal solutions
- Analyze child protection systems in light of federal, state, and best practice standards
- Practice is centered around federal class action civil rights litigation

2014 – present Private practice, Baton Rouge, Louisiana

- Select cases with a focus on civil liberties, criminal defense, and constitutional law

2013 – present Field Representative, ACLU of Louisiana, South Louisiana

- Testify before public bodies in support of civil liberties
- Investigate cases for possible litigation
- Support civil liberties litigation
- Engage in community education on civil liberties

2003 – 2009 Adjunct Professor at the LSU Law Center, Baton Rouge, Louisiana

- Co-founded the juvenile law clinic at the LSU Law Center
- Taught the Juvenile Representation Workshop
- Supervised law student practitioners representing clients in court

1991 – 2009 Section Chief at Juvenile Court, Baton Rouge, Louisiana, Office of Public Defender

- Worked as trial attorney
- Has represented hundreds of abused, neglected and troubled youth
- Appellate attorney for special litigation, including actions to affect systemic change
- Supervised seven staff members, including four attorneys
- Supervised numerous social work and legal interns

1987 – 1991 Private Law Practice, Law Office of Theodor Schirmer, Baton Rouge, Louisiana

- Worked as a litigation and research attorney in a civil rights/criminal defense oriented law office
- Practiced in federal, state, and city courts
- Garnered substantial trial and motion practice experience

EDUCATION

1999 Trial Lawyer's College, Dubois, Wyoming, graduate

- Extended course in trial advocacy conducted by Gerry Spence and others

1984 – 1987 Louisiana State University, Paul M. Hebert Law Center, Baton Rouge, Louisiana, JD (admitted to the bar October 1987)

- Ranked in top 10% of class
- Moot Court Board Member

1985 Loyola University School of Law, New Orleans, Louisiana

- Summer School (GPA: 4.0)
- Volunteer at Ecumenical Immigration Service assisting refugees apply for immigration relief

1977 – 1982 Louisiana State University, Baton Rouge, Louisiana, Bachelor of Science, Geology (Overall GPA 3.67, Major 4.0)

- Teaching assistant for senior-level course as undergraduate
- Field assistant for several international scientific assignments

ADDITIONAL PROFESSIONAL ACTIVITIES

1993 – present Volunteer trainer for Court Appointed Special Advocates (CASA)

2008 Lead counsel in *State of Louisiana in the Interest of L.B.*, a Louisiana Supreme Court case which established a new category of abuse and neglect to protect seriously abused infants (“abusive household/environment”), 200-CJ-1539 (La. 2008)

2004 – 2014 Member of the Louisiana Law Institute Children’s Code Committee, chair of committee on confessions, organized and hosted a national teleconference to support work of the subcommittee

2008 Chair, Criminal Litigation Seminar, Louisiana Public Defenders Association, Juvenile Defender Track, organized and presented on multiple topics at a highly reviewed CLE training for child advocates

1998 Lead counsel in *In re C.B.*, a landmark Louisiana Supreme Court case on the right to treatment for youth in institutions and the right to trial by jury. This case required bringing together several conflicting public policy imperatives in such a way that all 7 justices formed a consensus in respect to a favorable resolution of the case for children in state custody. 708 So.2d 391 (La. 1998)

PUBLICATION

“The Worst of Both Worlds: Punishments and Procedures for Children in Louisiana,”
30 Southern Law Review 329 (2003)

HONORS RECEIVED

2014 Honorary Member of the Order of the Coif, LSU Law Center (addressed honor graduates)

2003 Career Public Interest Award, Louisiana State Bar Association (statewide award)

2003 Youth Advocacy Award, Juvenile Justice Project of Louisiana (statewide award)

1998 Outstanding Legal Advocate Award, National Association of Counsel for Children (national award)

1997 & 2009 Special Award for Dedicated Service, Office of Public Defender for the Parish of East Baton Rouge

BAR ADMISSIONS

Supreme Court of the United States

United States Court of Appeals, Fifth Circuit (New Orleans)

Middle District of Louisiana, United States District Court (Baton Rouge)

Louisiana (all state courts)

